

## **REMARKS**

Reconsideration of the above identified patent application is hereby respectfully requested in view of the foregoing amendments and following remarks. Claim 6 has been canceled and claims 1, 4, and 7 have been currently amended. Claim 21 has been re-presented to be consistent with the Examiner's indication of allowable subject matter. New claim 22 has been added to be consistent with the Examiner's indication of allowable subject matter. Payment of the fee for this new claim is attached hereto. No new issues have been raised for consideration. Claims 1-4, 7-8, and 11-22 remain in the case and, pursuant the Examiner's indication of allowable subject matter, are believed to be in condition of allowance.

The applicant greatly appreciates the indication of allowable subject matter by Examiner Alfred J. Wujciak of claims 6-8, 12-13, and 15-18, if rewritten.

## **Detailed Action**

It is acknowledged that this is the final Office action for the above-identified application.

### **Claim Rejections 35 USC 112**

Claim 1 has been amended to include the recitation, “, said portion including a section of overlap that is disposed adjacent to at least some of said rim” which provides a positive recitation that defines the required distance, “between the portion and the rim of the paper plate” to include the required overlap with respect to the rim of the paper plate. Otherwise, it is acknowledged that there is ambiguity as to whether or not an overlap is always required or if, alternately, the claimed portion could somehow be “floating in space” but proximate the rim.

The undersigned appreciates and genuinely respects the Examiner for detecting the need for this further clarification of structure. The above recitation has also been included in the two remaining base claims, as described below, to ensure that they also overcome the section 112 rejection that was cited.

During a detailed reading and study of claim 1, it was noted that there was not proper antecedent basis for the element, “said rim. To correct this, an initial introduction of the element, “rim” was changed from “said rim” to “a

rim". This correction occurs for the two remaining base claims, as well.

Accordingly, the recitation of base claim 1 (and of base claims 21 and 22) is now believed to be positive, the rejection is believed to be overcome, and reconsideration is respectfully requested.

Claim 4 has been amended to be consistent with the Examiner's helpful suggestion as to what is required to place it into condition of allowance. The undersigned acknowledges the validity of the position of the Examiner as recited in the section of the Office Action, "Response to Arguments". Thank you for the helpful suggestion.

#### **Claim Rejections 35 USC 102 & 103**

It is believed that a bona-fide effort to amend all of the claims to be in condition of allowance and consistent with the Examiner's remarks has been accomplished. Please see below.

#### **Allowable Subject Matter**

Claims 6-8, 12-13, and 15-18 were indicated as being allowable if rewritten to overcome the rejections under 35 USC 112 and to include all of the limitations of the base claim and any intervening claims.

This is believed to have been accomplished.

Claim 1 has been amended to include the limitations of now canceled claim 6. There were no intervening claims. The requirement for first overcoming the rejection under 35 USC 112, as described above, required the introduction of the limitations of now canceled claim 6 in element "a" of claim 1. Accordingly, claim 1 includes the limitations of claim 6 and is believed to be in condition of allowance.

Reconsideration is respectfully requested.

Remaining claims 2-4, 7-8, and 11-20 depend from claim 1 and are therefore also believed to be in condition of allowance. Reconsideration is respectfully requested.

Claim 21 has been re-presented to include the limitations of base claim 1, after claim 1 has been amended to overcome the rejections under 35 USC 112, and to also include the limitations of claim 12. There were no

intervening claims and there are no claims that depend from claim 21. Accordingly, re-presented claim 21 is believed to be in condition of allowance. Reconsideration is respectfully requested.

Newly added claim 22 includes the limitations of base claim 1, after claim 1 has been amended to overcome the rejections under 35 USC 112, and to also include the limitations of claims 15 and intervening claim 14. There are no claims that depend from claim 22. Accordingly, newly added claim 22 is believed to be in condition of allowance. A fee for Small Entity for an additional claim in excess of 20 is included herein. Claim 22 is the third base claim presented. Reconsideration is respectfully requested.

### **Response to Arguments**

The Examiners response is noted. Claim 1 has been amended, as described above, to positively include the limitations of claim 6, thereby narrowing its scope to be in accord with what the Examiner has indicated as being allowable subject matter. Re-presented claim 21 has been similarly amended to include the limitations of claim 12.

Claim 12 has not been canceled because it continues to properly depend from amended claim 1 and recite a slightly different combination of structure in claim 21 than when depending from base claim 1.

Newly added claim 22 has been similarly amended to include the limitations of claim 15 and intervening claim 14. Claims 14 and 15 have not been canceled because they continue to properly depend from amended claim 1 and to recite a slightly different combination of structure in claim 22 than when depending from base claim 1.

The three base claims, 1, 21, and 22, have each had their scope narrowed in accordance with the Examiner's indication of allowable subject matter and each base claim also includes the required recitation that is believed to overcome the rejection that was cited under 35 USC 112. Each base claim also properly introduces the rim as element, "a rim".

### **Conclusion**

The action being final, shortened statutory period for reply, contact information for the Examiner and also for his

supervisor, and PAIR status information are noted and appreciated.

As all remaining claims 1-4, 7-8, and 11-22 appear to be in condition of allowance, reconsideration thereof is respectfully requested, and a notice of allowance is courteously urged at the earliest time.

Please continue to direct all correspondence to the correspondence address and telephone as shown below.

Respectfully submitted,

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